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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,785	08/29/2000	Kenrick Rampersad	MITT-CON	9876
4988	7590	01/13/2004	EXAMINER	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			NGUYEN, SON T	
			ART UNIT	PAPER NUMBER
			3643	
DATE MAILED: 01/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/649,785

Applicant(s)

RAMPERSAD, KENRICK

Examiner

Son T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-11,13-15 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-11,13-15 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Son T. Nguyen

Prim. Exm. 3643

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 3,5,12,16-34 have been canceled by Applicant. Pending claims are 1,2,4,6-11,13-15,35.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1,2,4,6-8,35** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, line 13, the phrase "said discharge ports" lacks prior antecedent basis. Regarding claim 2, line 1, the phrase "said plurality of discharge ports" lacks prior antecedent basis. Regarding claim 35, line 12, the phrase "said discharge ports" lacks prior antecedent basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1,2,35** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3778172 (herein US172) in view of US 2663890 (herein US890) and US 4543913 (herein US913).

For claim 1, US172 discloses a grooming and washing mitt capable of being used for a pet animal, said mitt comprising a hollow flexible body 20 having a flexible

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rear side co-extensive with a flexible palm side cleaning surface so that said hollow body is flexible with an open end for insertion of a hand into the body and a separate hollow thumb portion 22 extending therefrom; a built-in fluid retaining reservoir 26; means for discharging fluid 25,27 from the reservoir upon flexing of the mitt to form a concave configuration of the palm side pressurizing the reservoir causing the means for discharging fluid 25,27 to open (col. 4, lines 5-18); the mitt having means 10 on the palm side that are capable of removing loose hairs on the pet, the means comprising a predetermined denser pattern of flexible nibs 10, the nibs also providing an effective massage. However, US172 is silent regarding the reservoir extending continuously within the body from a top of a distal fingertip end to a bottom of a proximal wrist end adjacent to the open end of the body, and transversely from one side to an opposite side of the mitt including extending into the thumb portion, and the nibs being solid nibs. US890 teaches a washing mitt that is capable of being used on a pet animal, the mitt comprising a built-in retaining reservoir 26 extending continuously within a hollow flexible body 10 from a top of a distal fingertip end (when a user inserts his/her hand into the mitt) to a bottom of a proximal wrist end (when a user inserts his/her hand into the mitt) adjacent to the open end of the body, and transversely from one side to an opposite side of the mitt including extending into a thumb portion (the area where the thumb of a user 2 is located at is considered to be a thumb portion). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a reservoir that extends and cover a majority of the mitt as taught by US890 in the mitt of US172 so as to provide a larger liquid containing and discharging area to

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cover a wider surface on which the mitt is being applied. US913 teaches a washing/grooming brush for a pet animal, the brush comprising predetermined denser pattern of flexible solid nibs 26 extending throughout the brush for providing an effective massage or to remove any loose hair. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ solid nibs as taught by US913 on the mitt of US172 in order to provide stronger and more durable nibs for a more effective scrub on the pet animal. However, US172 in view of US913 and US890 is silent about the denser pattern of nibs extending medially along a mid-line of the mitt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to extend the nibs of US172 in view of US913 and US890 medially along the mid-line of the mitt, depending on where most of the rubbing or scrubbing concentration/action are at.

For claim 2, US172 in view of US913 and US890 (emphasis on US172) further teaches that a plurality of discharge ports 25,27 extending through a large portion of the palm side of the mitt (see fig. 5).

For claim 35, US172 teaches a method of grooming and washing a body, which mitt is capable of being used on a pet animal, the method comprising the steps of filling the mitt with grooming fluid (col. 4, line 3, in this case, soap or body detergent), mitt comprising a hollow flexible body 20 having a flexible rear side co-extensive with a flexible palm side cleaning surface so that said hollow body is flexible with an open end for insertion of a hand into the body and a separate hollow thumb portion 22 extending therefrom; a built-in fluid retaining reservoir 26; means for discharging fluid 25,27 from

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the reservoir upon flexing of the mitt to form a concave configuration of the palm side pressurizing the reservoir causing the means for discharging fluid 25,27 to open (col. 4, lines 5-18); the mitt having means 10 on the palm side that are capable of removing loose hairs on the pet, the means comprising a predetermined denser pattern of flexible nibs 10, the nibs also providing an effective massage; placing a hand into the mitt (col. 4, lines 1-5); placing the mitt on the pet animal (as stated as capable in the above) with the palm side in contact with the animal; bending the mitt to form a concave shape of the palm side to release fluid into contact with the animal (col. 4, lines 5-20); massaging (by rubbing or scrubbing) the animal, collecting loose hair by the nibs 10. However, US172 is silent regarding the reservoir extending continuously within the body from a top of a distal fingertip end to a bottom of a proximal wrist end adjacent to the open end of the body, and transversely from one side to an opposite side of the mitt including extending into the thumb portion, and the nibs being solid nibs. US890 teaches a washing mitt that is capable of being used on a pet animal, the mitt comprising a built-in retaining reservoir 26 extending continuously within a hollow flexible body 10 from a top of a distal fingertip end (when a user inserts his/her hand into the mitt) to a bottom of a proximal wrist end (when a user inserts his/her hand into the mitt) adjacent to the open end of the body, and transversely from one side to an opposite side of the mitt including extending into a thumb portion (the area where the thumb of a user 2 is located at is considered to be a thumb portion). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a reservoir that extends and cover a majority of the mitt as taught by US890 in the mitt of US172 so as to provide a

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larger liquid containing and discharging area to cover a wider surface on which the mitt is being applied. US913 teaches a washing/grooming brush for a pet animal, the brush comprising predetermined denser pattern of flexible solid nibs 26 extending throughout the brush for providing an effective massage or to remove any loose hair. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ solid nibs as taught by US913 on the mitt of US172 in order to provide stronger and more durable nibs for a more effective scrub on the pet animal. However, US172 in view of US913 and US890 is silent about the denser pattern of nibs extending medially along a mid-line of the mitt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to extend the nibs of US172 in view of US913 and US890 medially along the mid-line of the mitt, depending on where most of the rubbing or scrubbing concentration/action are at.

6. **Claims 4,6** are rejected under 35 U.S.C. 103(a) as being unpatentable over US172 in view of US890 and US913 as applied to claims 1,2 above, and further in view of US 4107840 (herein US840).

For claim 4, US172 in view of US890 and US913 is silent regarding the denser pattern of nibs including a central nib with a plurality of concentric circles of nibs. US840 teaches an abrasive hand covering comprising a denser pattern of nibs 70 having a central nib 80 with further concentric circles of nibs 82,86. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a denser pattern of nibs including a central nib with a plurality of concentric circles of nibs as taught by US840 on the palm side of the mitt of US172 in view of US890 and US913

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in order to provide a better and stronger nibs system for engaging hair and massage a body such as a pet's body.

For claim 6, US172 in view of US890 and US913 (emphasis on US172) further discloses a reservoir filling port 28 and an integrally molded stopper 29 attached to the filling port. However, US172 is silent regarding the stopper being removable. In addition to the above, US913 teaches a filling port 19 and a removable stopper 20 attachable to the filling port. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a removable stopper as taught by US913 to cover the filling port of US172 in view of US890 and US913 (emphasis on US172) in order to prevent liquid in the reservoir from spilling outward and to allow a user to open or close the port by removing the stopper.

7. **Claims 7,8** are rejected under 35 U.S.C. 103(a) as being unpatentable over US172 in view of US890, US913 and US840 as applied to claims 1,2,4,6, above, and further in view of US 2569067 (herein US067).

For claim 7, US172 in view of US890, US913 and US840 is silent regarding a hanging tab. US067 teaches a wash mitten comprising a hanging tab or tag 44 secured to the mitten in order to allow a user to hang the mitten and to prevent accidental lost of the mitten (col. 2, lines 17-21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a hanging tab or tag as taught by US067 on the mitt of US172 in view of US890, US913 and US840 in order to allow a user to hang the mitt and to prevent accidental lost of the mitt.

For claim 8, US172 in view of US890, US913, US840 and US067 (emphasis on US172) further discloses the mitt is molded of rubber (col. 3, lines 45-48).

8. **Claims 9,10,11,15** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3778172 (herein US172) in view of US 2663890 (herein US890).

For claim 9, US172 discloses a grooming and washing mitt capable of being used for a pet animal, said mitt comprising a hollow flexible body 20 having a flexible rear side co-extensive with a flexible palm side cleaning surface so that said hollow body is flexible with an open end for insertion of a hand into the body and a separate flexible hollow thump portion 22 (col. 3, lines 63-65) extending therefrom; a built-in fluid retaining reservoir 26; means for discharging fluid 25,27 from the reservoir upon flexing of the mitt to form a concave configuration of the palm side pressurizing the reservoir causing the means for discharging fluid 25,27 to open (col. 4, lines 5-18); the mitt having means 10 on the palm side that are capable of removing loose hairs on the pet, the means comprising a predetermined denser pattern of flexible nibs 10, the nibs also providing an effective massage. However, US172 is silent regarding the reservoir extending continuously within the body from a top of a distal fingertip end to a bottom of a proximal wrist end adjacent to the open end of the body. US890 teaches a washing mitt that is capable of being used on a pet animal, the mitt comprising a built-in retaining reservoir 26 extending continuously within a hollow flexible body 10 from a top of a distal fingertip end (when a user inserts his/her hand into the mitt) to a bottom of a proximal wrist end (when a user inserts his/her hand into the mitt) adjacent to the open end of the body, and transversely from one side to an opposite side of the mitt including

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extending into a thumb portion (the area where the thumb of a user 2 is located at is considered to be a thumb portion). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a reservoir that extends and cover a majority of the mitt as taught by US890 in the mitt of US172 so as to provide a larger liquid containing and discharging area to cover a wider surface on which the mitt is being applied.

For claim 10, US172 in view of US890 (emphasis on US172) further teaches that a plurality of discharge ports 25,27 extending through a large portion of the palm side of the mitt (see fig. 5).

For claim 11, US172 in view of US890 (emphasis on US172) discloses the discharge ports being openings but US172 does not specified if the openings are slitted. It would have been an obvious substitution of functional equivalent to substitute the assumed circular openings of US172 in view of US890 (emphasis on US172) with slits crossing each other at right angles to each other, since both types of discharge ports would perform to allow the liquid to flow therethrough.

For claim 15, US172 in view of US890 (emphasis on US172) further discloses the mitt is molded of rubber (col. 3, lines 45-48).

9. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over US172 in view of US890 as applied to claim 9 above, and further in view of US 4543913 (herein US913). US172 in view of US890 (emphasis on US172) further discloses a reservoir filling port 28 and an integrally molded stopper 29 attached to the filling port. However, US172 is silent regarding the stopper being removable. In addition to the above, US913

teaches a filling port 19 and a removable stopper 20 attachable to the filling port. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a removable stopper as taught by US913 to cover the filling port of US172 in view of US890 (emphasis on US172) in order to prevent liquid in the reservoir from spilling outward and to allow a user to open or close the port by removing the stopper.

10. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over US172 in view of US890 as applied to claim 9 above, and further in view of US 2569067 (herein US067). US172 in view of US890 is silent regarding a hanging tab. US067 teaches a wash mitten comprising a hanging tab or tag 44 secured to the mitten in order to allow a user to hang the mitten and to prevent accidental lost of the mitten (col. 2, lines 17-21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a hanging tab or tag as taught by US067 on the mitt of US172 in view of US890 in order to allow a user to hang the mitt and to prevent accidental lost of the mitt.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 2, 4, 6-11, 13-15 have been considered but are moot in view of the new ground(s) of rejection. However, certain pertinent arguments regarding the US172 and US890 references will be addressed herein.

Applicant argued that US890 does not disclose that the car washing glove can be used for washing a pet. In addition, chamber 26 cannot be construed as a

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reservoir because, according to the American Heritage Dictionary”, a reservoir is a “receptacle or chamber for storing a fluid”. Chamber 26 stores nothing.

Furthermore, fig. 5 clearly shows that the chamber does not extend from a fingertip end to a bottom of a proximal wrist end of the mitt. Although US890 discloses a car washing glove, the glove is capable of being used on a pet animal if one wishes to do so with or without US890 having to claim as such. The feature of US890's washing glove is similar to the claimed invention, therefore, the glove of US890 is capable of performing the same function. As for the chamber 26, col. 1, line 54 states that the chamber is a water chamber. Water from the supply tube 32 is delivered into the chamber 26, there, the water is contained before it seeps out of openings 30. openings 30 are not large in diameter (gather from the figures, specification and understanding of washing mitt art) so water has to be contained in the chamber 26 before it flows through openings 30. Therefore, chamber 26 of US890 meets the definition as provided. The chamber 26 does extend from a fingertip end (see user's hand 2 in fig. 2 in the area of the fingertip) to a bottom of a proximal wrist end (see user's hand 2 in fig .2 at ref. 22 area near the wrist).

Applicant argued that US840 does not have flexible bristles. Col. 4, line 42, states that the bristles 70 or 100 are semi-rigid, which to some degree has flexibility in them.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is (703) 305-0765. The examiner can normally be reached on Monday - Friday from 9:00 a.m. to

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5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon, can be reached at (703) 308-2574. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at (703) 872-9325. The official fax number is 703-872-9306.



Son T. Nguyen
Primary Examiner, GAU 3643
January 11, 2004